

TRAINING MODULE 1

Study Plan

HISTORY AND ORGANIZATION

Objective:

To learn basic facts about the VA, NACVSO, and CVSO's, their history and organization.

References:

Title 38, U.S. Code.

38 Code of Federal Regulations.

VA Pamphlet 80-05-1, Federal Benefits for Veterans and Dependents.

VA Booklets: VA History in Brief.

The Veterans Benefits Administration: an Organizational History: 1776-1994.

Instructions:

Study the assigned reference materials for an idea of the scope and extent of the activities and responsibilities of the Department of Veterans Affairs, NACVSO and the CVSO.

Disclaimer:

While every effort is made to ensure that the information in each module is accurate, this manual should not be construed as definitive on questions of law, regulations, VA policy or requirements. If a question arises as to any point, the language of the statutes (law), regulations, or operating manuals and the official VA interpretations thereof, are controlling."

TO THE INSTRUCTOR:

This training manual is intended as a basic tool for new Veterans Service Officers (VSO or CVSO). It contains twenty modules covering all programs listed in Title 38, U.S. Code, regarding benefits for veterans, their dependents, and their survivors. It gives pertinent reading references for each topic contained. As experience dictates and as veterans' laws or VA policies change, it will be updated and possibly enlarged.

The format and content of the current manual has been revised from earlier versions. Each module gives a listing of pertinent reading references, followed by a capsule summary of the particular benefit or program being described, followed in turn by a brief quiz on various aspects of the topic of the particular module. Because it is intended as only a capsule summary, no attempt is made to give comprehensive detail on any particular aspect—rather, the VSO should be encouraged to read the references given and then discuss with the instructor in more detail the various points.

It is important that the instructor be available to discuss, clarify and enlarge upon the various points in each module, as well as to explain any points not clearly understood by the VSO.

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TO THE VETERANS SERVICE OFFICER:

The best way to learn claims work is by a combination of theoretical and practical training. To the greatest extent possible, you will actually work cases under the guidance of a supervisor/instructor, using this manual to help understand what needs to be done and why. Your instructor will assign various modules for you to study, review, and discuss in connection with the casework.

It is extremely important that you study the laws and regulations carefully, as well as the various operating manuals for the different VA elements. In particular, you must be familiar with the Adjudication Manual M21-1, since this will be a controlling reference for the majority of VA claims you will deal with. The various VA pamphlets and booklets listed are also extremely important, since they give detailed information in clear and concise language about the eligibility and entitlement requirements for the various benefit programs.

This manual is your property, and is intended to be a guide and working notebook throughout your career. You may add references and notes, and make changes as required by changes in the laws and/or VA policies. It should remain a useful tool to help prepare for and pass any further examinations related to claims work as may be required. This manual alone will not make you an expert in VA claims matters. However, it should give you a good start in becoming familiar and comfortable with the VA claims process.

A FEW WORDS ABOUT REFERENCES:

Since this manual was first compiled, VA references have evolved continuously and sometimes dramatically, especially regarding use of the internet as a primary source for reference materials. It is very important, therefore, that all CVSOs and Claims Representatives be familiar with and comfortable using the applicable Uniform Resource Locator (URL) addresses for each of the VA elements and activities. Virtually all, if not in fact all, relevant information including in some instances VA forms and applications, as well as brochures, booklets and pamphlets about each operating element and activity, will be found on that element's web pages, which are themselves part of the basic VA web site.

Below is a partial listing of the most important basic URLs for VA-related issues; this is necessarily an incomplete listing. These URLs will not be listed again in the individual modules. Personnel who are experienced in using online materials will quickly discover (if they haven't already done so) many other useful web sites that will further enhance their knowledge and their ability to serve their clients.

VA home page:	http://www.va.gov/
VBA home page:	http://www.vba.va.gov/
VHA home page:	http://www1.va.gov/Health_Benefits/
Compensation & Pension home page:	http://www.vba.va.gov/bln/21/index.htm
National Cemetery Administration home page:	http://www.cem.va.gov/
Education Service home page:	http://www.gibill.va.gov/
Loan Guaranty home page:	http://www.homeloans.va.gov/
VA Insurance home page:	http://www.insurance.va.gov/

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Vocational Rehabilitation & Employment home page: <http://www.vba.va.gov/bln/vre/index.htm>
Board of Veterans' Appeals home page: <http://www.va.gov/vbs/bva/>
Office of the General Counsel home page: <http://www1.va.gov/OGC/>
Web Automated Resource Materials System (WARMS): <http://www.warms.vba.va.gov/>

This is the online public reference source for keeping abreast of changes to VBA regulations and operating manuals. It also contains the operating manuals for all VBA activities (click on "**WARMS Direct Links**" in the left-hand sidebar), as well as the VA regulations for all VBA activities. Included are the regulations for Vocational Rehabilitation, for other education and training benefits, and for loan guaranty. Interestingly, 38 CFR, Part 17 (Medical) is also included.

Other important web sites include the Government Printing Office (GPO):

Federal Register: <http://www.gpoaccess.gov/fr/index.html>
Code of Federal Regulations: <http://www.gpoaccess.gov/cfr/index.html>
Public & Private Laws: <http://www.gpoaccess.gov/plaws/index.html>
United States Code: <http://www.gpoaccess.gov/uscode/index.html>

U.S. Court of Appeals for Veterans Claims (CAVC):

<http://www.vetapp.uscourts.gov/Download/Default.asp>

U.S. Court of Appeals for the Federal Circuit:

<http://www.fedcir.gov/dailylog.html>

Like other VA reference materials, the Adjudication Manual M21-1 is constantly being revised, and indeed is currently in the process of being completely rewritten. The new manual is called M21-1MR (for Manual Rewrite); as various chapters are completely rewritten, they are listed in M21-1MR and the corresponding portions of old M21-1 are rescinded. Where appropriate, the *References* portion of each module will reflect either the old or the new (or sometimes both) M21-1 citations.

STATEMENT OF PURPOSE

This course is designed to educate individuals employed as veteran service officers with basic principles and a fundamental working knowledge of federal laws and regulations dealing with benefits for veterans and their dependents. This course is a technical supplement to the programs, policies, and procedures set forth in Title 38 (38 USC or USCS) and 38 Code of Federal Regulations (38 CFR), and U. S. Department of Veterans Affairs program manuals. The overall goal is to assure that all claimants have consistent availability of qualified representation and assistance in obtaining benefits administered by the VA.

COURSE DESCRIPTION

Course Objectives: Upon completion of this course, service officers will be able to demonstrate a fundamental working knowledge of federal laws and regulations dealing with veterans' benefits and a basic proficiency in associated claim procedures. They will be able to use reference and research materials in securing hospitalization, compensation, pension, education and other benefits to which veterans and their dependents are entitled by law.

Instructional Methods: Lectures, demonstrations, and practical exercises using actual scenarios.

Attendance: This course consists of 32 hours of instruction per training schedule, including a comprehensive end of course examination.

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Course Text: The primary text used to support this course is 38 CFR, Pensions, Bonuses and Veterans Relief, Title 38 U.S. Code and VA Adjudication Manual M21-1.

Audio-Visual Aids: Instructors use chalkboard, flip charts, overhead projectors, video tapes, and computer-generated presentations.

Examination: The course examination consists of 100 questions presented in a multiple-choice and true/false format, with a time limit of two hours. The examination is graded on a pass/fail basis with 70% correct considered a minimum passing score.

VETERANS SERVICE OFFICERS CODE OF ETHICS

1. Confidential information, whether supplied by the veteran, the Department of Veterans Affairs, or other parties shall remain confidential and will not be released or discussed except to those personally connected to the case with a need to know in order to assist the veteran or the veteran's dependents.
2. The Service Officer will prepare and perfect all claims to the best of his/her ability with the intent of affording the claimant the benefits to which they are entitled. The Service Officer must insure that all information is true and factual to the best of his/her knowledge.
3. The Service Officer shall maintain high professional standards in dealing with other service officers, (federal, state, and local) and other persons and agencies as necessary in service to his/her client.
4. The Service Officer will provide services without prejudice to all persons making a claim to the Department of Veterans Affairs.
5. The Service Officer will, to the best of his/her ability, maintain a working knowledge of all rules and regulations concerning veterans' benefits and will strive to keep such knowledge updated in light of constantly changing laws and regulations.
6. Veterans Service Officers should not, under any circumstances, accept remuneration in cash or other form for services rendered.
7. Veterans Service Officers should not, under any circumstances, serve as guardians, committees, or fiduciaries for any other individuals receiving benefits from the Department of Veterans Affairs or any other agency.

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THE DEPARTMENT OF VETERANS AFFAIRS (VA) HISTORY AND ORGANIZATION

Summary:

THE UNITED STATES HAS THE MOST COMPREHENSIVE SYSTEM OF VETERANS' BENEFITS and care of any nation in the world. The history of veterans' benefits in this country dates from the War for Independence. For the first few years veterans' benefits were handled by the Federal courts, but this quickly proved to be unsatisfactory and responsibility for administering benefits was assigned to the War Department.

Initially, no clear distinctions were made between service pensions, pensions for needy, aged, or disabled veterans, and pensions based on disabilities arising from military service. Different pension programs, with different eligibility requirements, were enacted for veterans of each of the wars the United States fought during the first half of the nineteenth century. Benefits for survivors of wartime veterans were first authorized about 1806.

Until 1930 responsibility for various veterans' programs was fragmented among several different agencies. During the latter part of the 1800s and the early 1900s, a Bureau of Pensions administered veterans' pension programs; at different times this Bureau was variously under the jurisdiction of the War Department, the Navy Department, the Treasury Department, and the Interior Department. In 1914 a Bureau of War Risk Insurance was established under the Treasury Department to insure American ships and cargoes against the hazards of carrying war materials to the Allies. When the United States formally entered World War I in 1917, the Bureau of War Risk Insurance was assigned the additional tasks of providing life insurance for American troops and administering veterans' and survivors' benefits after the war. In 1918 a Federal Board for Vocational Education was established as an independent agency to provide vocational rehabilitation for disabled World War I veterans, based on eligibility as determined by the Bureau of War Risk Insurance. The Public Health Service was charged with responsibility for providing medical care for World War I veterans.

In 1921 the Veterans Bureau was established as an independent agency to consolidate all benefits for World War I veterans (life insurance, disability and death compensation, vocational rehabilitation, medical care) under one agency. The Bureau of Pensions continued to separately exist, to handle benefits for veterans of previous wars and their survivors.

The Veterans Administration was established in 1930, merging the Veterans Bureau and the Bureau of Pensions and finally bringing all veterans' benefits programs under the jurisdiction of a single agency. Following World War II and subsequent, the Veterans Administration grew to become the largest non-Cabinet agency in the Federal Government.

On March 15, 1989, the Veterans Administration became a Cabinet-level agency, changing its name to the U.S. Department of Veterans Affairs. The Administrator of Veterans Affairs became the Secretary of Veterans Affairs. The new agency was composed of three primary sub-agencies, each headed by an Undersecretary: the Veterans Benefits Administration (VBA); the Veterans Health Administration (VHA); and the National Cemetery Administration, plus a number of subsidiary offices and Secretariats, including the Board of Veterans' Appeals, the Office of General Counsel, and the Office of the Inspector General.

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VBA administers all of the non-medical benefits programs for veterans, dependents and survivors: the compensation and pension programs; vocational rehabilitation for disabled veterans; various education and training assistance programs for veterans, dependents and survivors; loan guaranty programs for veterans and eligible surviving spouses; and a number of life insurance programs for veterans. VBA also provides a burial allowance for eligible veterans.

VHA provides health care facilities for veterans, and in some cases their dependents or survivors. It is one of the largest health care delivery systems in the world. Nationwide, VA operates more than 170 medical centers, more than 80% of which are affiliated with an university school of medicine. VHA averages nearly 100,000 inpatients per day. In addition, VHA operates numerous outpatient clinics, readjustment counseling centers, domiciliaries, and nursing homes.

COUNTY VETERANS SERVICE OFFICERS

Nature of Work

The County Veterans Service Officer advises local veterans and their dependents of their rights and entitlements under various federal and state laws, counsels them, and actively assists them by filling out necessary forms and papers and obtaining documents and affidavits.

Work is generated through inquiries concerning veterans' benefits or through action of the service officer in seeking out those who need and may be entitled to assistance.

The work is complex and exacting due to the numerous state and federal laws involved and the regulations by which they are administered. These laws cover many and varied benefits including compensation, pension, insurance, death benefits, hospitalization and education.

Illustrative Examples of Work

Interviews local veterans and their dependents, advising them of their rights and benefits under federal and state laws. Guides them in choosing the most advantageous option in matters of insurance, pension, etc.

Selects and prepares proper forms for submission to the VA and other agencies.

Assists persons being served in obtaining legal documents, medical statements and affidavits, and in preparing letters and statements in support of claims.

Assists in gaining admission of eligible veterans to veterans hospitals, including the process of commitment of veterans who are mentally ill.

Assists children of veterans in obtaining educational benefits to which they may be entitled.

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Advises and assists service members and their families concerning allotments, financial relief in hardship cases, disability retirement, etc.

Knowledge, Skills, and Abilities

Knowledge of veterans' law, regulations, administrative procedures, and policies.

Working knowledge of the organization and functioning of state and federal governments, especially the U. S. Department of Veterans Affairs.

Knowledge of where and how to obtain certain public documents in this and other states.

Above-average layman's knowledge of the human anatomy and diseases, in order to properly handle disability claims.

Ability to interpret and apply the various laws, regulations, and directives relating to veterans' benefits, and to explain in simple terms to others.

Ability to deal sympathetically and patiently, but positively and objectively, with veterans and their dependents.

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Study Questions: History and Organization

Using the assigned references and reading materials, answer the following questions:

1. What year did the Veterans Administration become an independent Federal agency?

1989

2. VA has always been a Cabinet-level agency, since its inception.

- a. True
b. False

3. How many sub-agencies are there in the current Department of Veterans Affairs?

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4. List the different sub-agencies within the Department of Veterans Affairs:

- a. Department of Veterans Affairs
b. Department of Veterans Affairs
c. Department of Veterans Affairs

5. Non-veterans are eligible for burial in a National Cemetery.

- a. True
b. False

If True, List 2009

If False, Why non-veterans are not eligible for burial in a National Cemetery

6. The Secretary of Defense has authority to decide if a person may be buried in a National Cemetery.

- a. True
b. False